

UNITED STATES DISTRICT COURT

FILED

for the

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

State and District of New Mexico

OCT 24 2018

United States of America  
v.

Case No.

18-MJ-3457

TAVIS WASHBURN  
YEAR OF BIRTH 1992

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/15/2018 in the county of San Juan in the  
State and District of New Mexico, the defendant(s) violated:

Code Section	Offense Description
Title 18 U.S.C. 1112	Involuntary Manslaughter
Title 18 U.S.C. 113(a)(6)	Assault Resulting in Serious Bodily Injury
Title 18 U.S.C. Section 1153	Crimes Occurring in Indian Country

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Kalon Fancher Special Agent FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/24/2018



Judge's signature

City and state: Farmington, New Mexico

B. Paul Briones United States Magistrate Judge  
Printed name and title

AJ/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico )

County of San Juan )

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kalon Fancher being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since February 2012. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes occurring in Indian Country such as robbery, aggravated assaults, assaults on Federal Officers, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by SA Kalon Fancher, Farmington Resident Agency of the FBI , Criminal Investigators (CI) of the Navajo Department of Criminal Investigations (NDCI), and/or communicated to me by other sworn law enforcement officers as well as witnesses. The following information does not contain all items known to me but rather is used to establish sufficient probable cause for the crimes of Involuntary Manslaughter and Assault Resulting in Serious Bodily Injury, which occurred in the special jurisdiction of Indian Country.

**RELEVANT STATUTES**

3. This investigation concerns an alleged violation of :

Title 18 U.S.C. Section 1112 Involuntary Manslaughter

Title 18 U.S.C. Section 113(a)(6) Assault Resulting in Serious Bodily Injury

Title 18 U.S.C. Section 1153 Crimes Occurring in Indian Country

**PROBABLE CAUSE**

4. On the evening of February 15, 2018, Navajo Police Department Officers were dispatched to a motor vehicle crash which occurred near the Littlewater Express store on United States Highway 491 near Littlewater, New Mexico which is located within the exterior boundaries of the Navajo Nation. The responding police officers found a deceased male who was located in the front seat passenger of a 2008 Kia Spectra bearing New Mexico License plate JTZ804 (hereinafter referred to as V-1). The decedent, who was subsequently identified and will hereinafter be referred to as JOHN DOE-1, was an enrolled member of the Navajo Nation Indian Tribe. Based on interviews conducted by law enforcement it was determined that JOHN DOE-1's brother, TAVIS WASHBURN, Year of Birth: 1992, (hereinafter referred to as WASHBURN) was driving V-1 South on New Mexico Highway 491 at a high rate of speed and collided with a black 2015 GMC Sierra bearing new Mexico license plate 4644FR (hereinafter referred to as V-2). WASHBURN is an enrolled member of the Navajo Nation Indian Tribe. V-1 was also occupied by Washburn's 2-year-old son, hereinafter be referred to JOHN DOE-2. NDCI CI Wilson Charley notified the FBI of the details related to the vehicle crash.

5. On April 4, 2018, Affiant spoke to WASHBURN and advised him of his Miranda Rights.

WASHBURN agreed to speak with Affiant and stated he had went to JOHN DOE-1's house which is located in Sanostee, NM, earlier that morning to "have some drinks." He stated JOHN DOE-1 wanted to travel to Shiprock, NM "to pick up his EBT card."

WASHBURN stated his 2 year old son, JOHN DOE-2, was secured in his child seat in the back seat of (V-1). WASHBURN stated they traveled to Shiprock, NM and when they were finished in Shiprock he "was in a rush" to get back to Sanostee to pick up his common law wife from work. WASHBURN estimated that he was driving (V-1) "75-80" miles per hour from Shiprock to Littlewater and he estimated that he was driving "about 60" miles per hour when he collided with (V-2).

6. During the investigation it was determined that the posted speed limit on U.S. highway 491 in Littlewater, NM, the location of the vehicle crash, is 45 miles per hour.

7. WASHBURN stated he had drank "less than half of a pint" of vodka while he was at JOHN DOE-1's house. He stated when he, JOHN DOE-1, and JOHN DOE-2 were traveling to Shiprock from JOHN DOE-1's house in Sanostee, NM "I might have had one" alcoholic drink. WASHBURN stated he did not have any alcoholic beverages that day after they left Shiprock, NM.

8. WASHBURN stated he was transported from the scene to the Northern Navajo Medical Center (NNMC) by an ambulance where he was treated for his injuries he had sustained as a result of the crash. Law Enforcement recovered the medical records from the

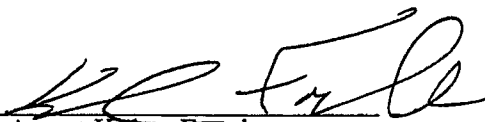
NNMC related to the treatment WASHBURN received on February 15, 2018. The NNMC conducted lab tests on WASHBURN's blood on the date of his admission into the facility and found that WASHBURN had a blood alcohol content (BAC) of .258.

9. JOHN DOE-2 was flown from the scene of the vehicle crash to the hospital where he was treated for his injuries he sustained during the vehicle crash. According to medical records, JOHN DOE-2 sustained a broken left leg, a fractured left arm, liver lacerations, and two small pneumothorax.
10. JOHN DOE-1 was flown from the scene of the vehicle crash to the San Juan Regional Medical Center where he died from the injuries he sustained during the vehicle crash.

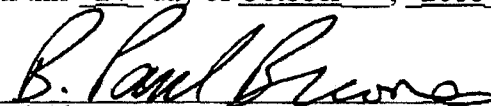
#### SUMMARY

11. In view of the above facts, the affiant submits there is probable cause to believe that TAVIS WASHBURN, who is an enrolled member of the Navajo Nation Indian Tribe, with a year of birth of 1992, while in the commission of an unlawful act not amounting to a felony, that is while operating a motor under the influence of alcohol, speeding, and reckless driving, and while driving without due caution and circumspection, unlawfully killed JOHN DOE-1, in violation of title 18, United States Code, Section 1112, Involuntary Manslaughter, and assaulted JOHN DOE-2, in violation of Title 18, United States Code, Section 113(a)(6). The above conduct occurred within the boundaries of the Navajo Nation Indian Reservation, in violation of title 18, United States Code, Section 1153, Crime occurring in Indian Country.

I swear that this information is true and correct to the best of my knowledge and belief.

Affiant   
Special Agent Kalon Fancher  
Federal Bureau of Investigation

Subscribed and sworn before me  
on this 24 day of October, 2018.

  
United States Magistrate Judge